



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER <b>10-03084</b>	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER <b>12</b>
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DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- (1) David Butner (3) \_\_\_\_\_  
(2) Mrs Grueneberg (4) \_\_\_\_\_

Date of Interview 2/19/03

Type: ☐ Telephonic ☐ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No If yes, brief description: \_\_\_\_\_

Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed: all

Identification of prior art discussed: all

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Exr pointed out last rejection should have been in view of EP 692522. Applicant to require both (D) and (E) be present. Would appear to overcome art of record, Examiner considers claims to (E) alone to be nonselected

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

## Manual of Patent Examining Procedure, Section 713.04 Substantive Examination of International Patent Applications of Priority

the subject, which, if not an agreement with the examiner was reached at the interview,

## 2.1.2 Interviews

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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The action of the Patent and Trademark Office cannot be taken as a precedent for the way in which the CTR should conduct itself, nor can it be taken as a precedent for the way in which the CTR should record the substance of interviews.

It is the responsibility of the applicant or the attorney to establish the substance of an invention of relevance to applicant's invention. The examiner is not required to do so. It is the examiner's responsibility to see that no obviousness is made and to point out obviousness in relation to which there is a question of patentability.

Examiners must complete a two-column part on internal Patent & Trademark Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks with handwritten information using a ball-point pen. Discussions regarding only procedural matters, devoted solely to restriction requirements, for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or wordable defects in Office actions or the like, are excluded from the interview recordation procedure below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right-hand portion of the file, and listed on the "Contents" list on the file wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the telephonic interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted;
- 2) an identification of the claims discussed;
- 3) an identification of specific prior art discussed;
- 4) an identification of the principal proposed amendments to the claims, the nature discussed, unless these were already described on the Interview Summary Form completed by the examiner;
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made by the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive in the examination;
- 6) a general indication of any other pertinent matters discussed; and
- 7) if appropriate, the general nature of some of the interview issues already described in the Interview Summary Form completed by the examiner.

[illegible]

Warning of No Check for Accuracy

Appropriate use of the form includes the following:

- When taking the interview, write down the information as it is given, without adding or subtracting information or making assumptions. If the examiner is not sure if the information is complete and accurate, the examiner should ask the interviewee to clarify the information.
- If the interviewee is not willing to answer questions, or if the question is not being answered, the examiner should send a letter telling forth his or her version of the statement attributed to him. If the record is not being made, the examiner should indicate the date and time of the interview along with the date and